IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 19327 of 2007(A)

PETITIONERS:

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1. M/S.KANNAN DEVAN HILLS PLANTATIONS CO. PVT.LTD., KDHP HOUSE, MUNNAR - 685 612, REPRESENTED BY ITS ASSISTANT MANAGER - MR.C.SREEKUMAR.

2. M/S.TATA TEA LIMITED, SPECIAL PROJECTS OFFICE, GENERAL HOSPITAL COMPLEX, MUNNAR - 685 612, REPRESENTED BY ITS GENERAL MANAGER, MR.ASIM HAZARIKA.

BY ADV. SRI.JOSEPH MARKOSE

RESPONDENTS:

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1. MUNNAR GRAMA PANCHAYATH, MUNNAR, REPRESENTED BY ITS SECRETARY.

2. DEVICOLAM GRAMA PANCHAYATH, DEVICOLAM, REPRESENTED BY ITS SECRETARY.

3. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

4. THE DISTRICT COLLECTOR, IDUKKI.

BY ADV. SMT.AYSHA YOUSEFF, SC, MUNNAR G.PANCHAY
BY GOVT. PLEADER SRI. D. ANIL KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 19327/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPYOF THE NOTICE DATED 19.6.2007 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.

EXT. P2 : TRUE COPY OF THE NOTICE DATED 19.6.2007 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER.

EXT. P3 : TRUE COPYOF THE NOTICE DATED 19.6.2007 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

EXT. P4 : TRUE COPY OF THE OBJECTION DATED 21.6.2007 FILED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT ALONG WITH ANNEXURES.

EXT. P5 : TRUE COPY OF THE OBJECTION DATED 21.6.2007 FILED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT ALONG WITH ANNEXURES.

EXT. P6 : TRUE COPY OF THE OBJECTION DATED 21.6.2007 FILED BY THE 2ND PETITIONER TO THE 1ST RESPONDENT.

RESPONDENTS' EXTS:

EXT. R2(a) : PHOTO COPY OF BROCHURE PUBLISHED BY PETITIONERS.

K.M.JOSEPH, J.

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WP.(C) No.19327 of 2007

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Dated this the 3rd day of July, 2007

JUDGMENT

Petitioners have approached this court challenging Exts.P1, P2 and P3 notices. They also seek in the alternative a direction not to take any coercive or prejudicial action against the petitioners pursuant to the impugned orders till orders are passed on Exts.P4, P5 and P6 objections after hearing the petitioners and such orders are communicated to the petitioners and reasonable time is afforded to the petitioners to impugn such orders.

2. Counter affidavit is filed by the second respondent, in which it is inter alia stated that the writ petition is not maintainable. It is further stated that the notices were issued as it was found that they are using the bungalows for accommodating tourists without obtaining the required licence. It is stated that upto 2006-2007 licence was taken by the petitioners in respect of two of their bungalows, but for the current period no licence has been taken and licence fee also not remitted. It is stated that application for renewal of licence submitted by the first

petitioner cannot be considered as a valid application in the absence of remitting the licence fee. It is also stated that the second respondent never informed the first petitioner that the calculation of licence fee made by them is not correct. First petitioner has not made any attempt to remit the licence fee as alleged, it is stated. It is stated that there is no basis for the apprehension of the petitioners that the second respondent Panchayat will arbitrarily reject their objection and will take coercive steps. There is reference to the amount being collected by the petitioners on the basis of the brochure produced as Ext. R2(a). It is stated that Exts.P1 and P3 are only provisional notices affording opportunity to the petitioners to submit their objections and the petitioners have rushed to this court as if it is a final order. It is also stated that remittance of licence fee for 2006-2007 cannot be accepted for renewing the licence for 2007-2008. The petitioners have to pay separate licence fee for renewing licence for the year 2007-2008.

3. First respondent has also filed a counter affidavit on the same lines, it is submitted.

4. Counsel for the respondents submits that Exts.P1 to P3 are

provisional notices and that the writ petition is not maintainable as they are mere notices and the final order will be passed after considering their objections. She further submits that no coercive steps will be taken till orders are passed.

5. In view of the fact that Exts.P1 to P3 are notices and final orders are yet to be passed, I feel that the writ petition can be disposed of as follows:

Respondents 1 and 2 will consider the objections filed by the petitioners to Exts.P1 to P3 and take a decision in the matter in accordance with law.

(K.M. JOSEPH, JUDGE)

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